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15 MS. GIAMPAOLI: Thank you. My name is Mary

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16 Ellen Giampaoli and I am a consultant to the Nye County

17 Department of Natural Resources and Federal Facilities.

18 Nye County has undertaken its review of the DEIS

19 and at this time is stating only its preliminary issues and

20 comments on the subject draft.

21 We'll follow with written comments at the end of

22 the 180-day comment review and comment period.

23 The purpose of the EIS is to identify and

24 evaluate the potential impacts that will likely occur when DOE

25 begins the construction, operation, closure of the proposed

1 repository at Yucca Mountain.

2 [ Nye County finds that the DEIS presents the

3 perspective of the single federal agency in its analysis of

4 potential impacts and unfortunately does not incorporate the

5 assumptions, methods, viewpoints and analyses of the host

6 county, which is Nye County.

7 Because of this narrow agency viewpoint, the EIS

8 does not realistically define the affected environment and the

9 appropriate regions of influence for study.

10 It ignores data, information and analyses that

2 11 have been collected and prepared by the county, and [ it fails to

12 identify other federal actions and policies affecting Nye

13 County in its analysis of cumulative impacts. ]

3...

14 [ As a result, the DOE's impact statement does not

15 accurately portray how this action proposal could potentially

16 impact the residents of Nye County who are the citizens who are

17 most directly affected and subject to both the short-term

/

18 consequences and the long-term risks associated with the Yucca  
19 Mountain repository.

20 Thus the county believes that the EIS is  
21 technically and legally inadequate and requests that a second  
22 Draft EIS that addresses these inadequacies be prepared and  
23 released for public review and comment.

24 The regions of influence or study areas within  
25 this EIS were selected -- were selected and reflect a very  
1 narrow federal viewpoint.

2 There seems to be an inherent policy within this  
3 document that the DOE believes the federal land ownership of  
4 majority of the areas abrogates the responsibility to evaluate  
5 impacts to the non-federal entities that surround -- that are  
6 located within them.

7 For example, the land -- the analysis of land use  
8 impacts is limited to DOE's proposed land withdrawal for the  
9 repository and how it -- and this could affect its federal  
10 neighbors.

11 It does not even bother to consider how this  
12 overlaying land withdrawal will affect the neighboring town of  
13 Amargosa Valley.

14 In essence, by using these selected narrow study  
15 areas, DOE has limited its evaluation of impacts to federally  
16 managed lands and has taken a position that unquantified  
17 impacts to the surrounding communities will just be absorbed.

18 Further, land use, water resources and  
19 demographic baseline data -- data are examples of resource areas  
20 where inappropriate regions of influence are used.

21 As a result, the EIS does not accurately evaluate

...5 22 quantified related effects and risks that rely upon population  
23 and related demographic data.

24 NEPA affords local governments the opportunity to  
25 identify the potential impacts as they affect the local

6... 1 environment, especially when an action that's site specific as  
2 the Yucca Mountain repository action is.

3 NEPA also allows and the President's Council on  
4 Environmental Quality recommends that local government be  
5 closely involved in the NEPA process, even as cooperating  
6 agencies.

7 On this note, Nye County has requested and was  
8 denied this opportunity to participate at that level in the  
9 NEPA process.

10 Just as the DEIS acknowledges the views of Native  
11 American tribes in the region, we believe that the EIS should  
12 at least acknowledge the views of Nye County.

13 The viewpoint, analyses and mitigation measures  
14 that were provided by the county are referenced, but not  
15 incorporated and have not been fully accounted for in the  
16 proposed action.

17 Within the EIS, DOE has prepared -- has  
18 identified opposing technical viewpoints.

19 However, Nye County's viewpoints are identified  
20 only as the local perspective.

21 We believe that in the instances where our  
22 analyses have resulted in different conclusions, that these  
23 need to be presented as opposing technical viewpoints, as well.

7... 24 The EIS fails to identify several of the

...7

25 indirect, direct, cumulative and indirect cumulative impacts in

1 the locale of the proposed action as required by NEPA and thus

2 the EIS analysis is flawed.

3 They fail to include reasonably foreseeable

4 actions and policies I identified under state and local

5 documents, such as both Park Service and BLM stated policy to

6 protest local water right applications in southern Nye County,

7 including here in Pahrump.

8 In this regard, federal agencies, including DOE,

9 have repeatedly failed to fulfill their obligations through

10 NEPA by stating that impacts can occur from the implementation

11 of such policies and actions.

12 The county believes that these impacts, although

13 they are adversely significant, can be mitigated for various

14 measures.

8

15 Finally, with the cessation of nuclear weapons

16 testing in 1992, Nye County has made substantial efforts to

17 plan for its economic future in the US 95 corridor.

18 The EIS does not recognize these plans and does

19 not reflect DOE obligation to ensure that Yucca Mountain and

20 the proposed repository will not thwart these plans.

9...

21 Nye County by virtue of its location,

22 characteristic and overwhelming federal presence has been

23 disproportionately impacted by past, present and continuing

24 federal actions.

25 We believe that the county should receive just

1 equity offsets, mitigation and compensation from the United

...9

2 States to mitigate the cumulative impacts of these past and  
3 present actions.

4 Nye County will present its technical bases and  
5 evaluations to support these positions that the impacts  
6 stemming from the implementation of proposed action can be  
7 mitigated and will continue to request mitigation pursuant to  
8 NEPA.

9 Thank you.